

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITHA GOMEZ,

Plaintiff,

v.

Civil Case No. 11-14881
Honorable Patrick J. Duggan

CITY OF DETROIT POLICE OFFICER
JEFFREY MORIN, CITY OF DETROIT
POLICE OFFICER FRANK HILBERT,
CITY OF DETROIT POLICE SERGEANT
ROMAN CHILDS, and THE CITY OF
DETROIT,

Defendants.

ORDER STAYING AND ADMINISTRATIVELY CLOSING CASE

Plaintiff initiated this action against Defendants on November 4, 2011, claiming that her constitutional rights were violated when Defendants allegedly unlawfully seized, detained, and prosecuted her. Defendants filed Answers to the Complaint in December 2011. According to a motion filed by Plaintiff on March 15, 2013, the parties thereafter reached a settlement agreement. (*See* ECF No. 26.) Plaintiff executed the settlement releases and closing documents and sent them to the Detroit City Law Department attorney representing Defendants; however, Defendants never responded or paid the agreed upon settlement. (*Id.*)

On July 18, 2013, the City of Detroit filed a voluntary petition for protection

under Chapter 9 of the Bankruptcy Code. On July 25, 2013, the Honorable Steven Rhodes entered an order confirming the automatic stay of all proceedings against the City imposed under section 922 of the Bankruptcy Code upon the filing of the petition. *In re City of Detroit, Michigan*, No. 13-53846, ECF No. 167 (Bankr. E.D. Mich. July 25, 2013.) The stay applies to “judicial, administrative, or other action[s] or proceeding[s] against an officer or inhabitant of the City, including the issuance or employment of process, that seeks to enforce a claim against the City.” *Id.* at 3. The stay restrains and enjoins all persons from *inter alia* “(a) commencing or continuing any judicial, administrative or other proceeding against the City . . . that was or could have been commenced before the City’s chapter 9 case was commenced” and “(b) recovering a claim against the City that arose before the commencement of its chapter 9 case . . .” *Id.* at 2.

Plaintiff’s action against the City and its officers seeking to recover damages, which by law the City may be obliged to satisfy, must be stayed according to Judge Rhodes’ order.

Accordingly,

IT IS ORDERED, that the proceedings in this case are **STAYED** and the case is **CLOSED** for administrative and statistical purposes without prejudice;

IT IS FURTHER ORDERED, that if the bankruptcy stay is removed, or a

party obtains relief from the stay, then the case may be reopened upon motion of any party;

IT IS FURTHER ORDERED, that any party may apply to the bankruptcy court for relief from the automatic stay under 11 U.S.C. § 362(d)-(g).

Dated: August 6, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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Gordana Misovski, Esq.

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